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学校编码: 10384

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厦 门 大 学

硕 士 学 位 论 文

欧美跨国并购反垄断规制实体标准
比较研究

Comparison between Substantial Standards of the
Antitrust Regulation of Cross-border Merger &
Acquisition in the European Union and the United States

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论文提交日期: 2007 年 4 月

论文答辩时间: 2007 年 月

学位授予日期: 2007 年 月

答辩委员会主席: _____

评 阅 人: _____

2007 年 4 月

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关键词：跨国并购 反垄断规制 实体标准

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ABSTRACT

Cross-border Merger & Acquisition is the core of Antitrust Law whose destination is to protect workable competition of the market, which is due to the native possibility of impairing competition of the mergers that is lying in the economics fundamentals. The studies on the Antitrust Regulation of Cross-border M&A in China are still on the early phase. The author tries to compare the substantial standards of the Antitrust Regulation of Cross-border M&A in the United States and the European Union as the most developed countries in the world, so as to provide constructive suggestions to our legislation.

There are four chapters in this thesis, except the introduction and the conclusion:

Chapter One——Fundamental Theories on Cross-border M&A and Antitrust Regulation, the contents are as follows: the definition and classifications of Cross-border M&A, the relationship between Cross-border M & A and monopoly, and the theoretical basis of antitrust regulation of Cross-border M&A.

Chapter Two——Introduction of Antitrust Regulation of Cross-border M&A in the United States and the European Union, the contents are as follows: the introduction of antitrust regulation of Cross-border M&A in the United States, the introduction of antitrust regulation of Cross-border M&A in the European Union, and the trend of the antitrust regulation of Cross-border M&A in the United States and the European Union.

Chapter Three——Comparison between Substantial Standards of Antitrust Regulation of Cross-border M&A in the United States and the European Union, the contents are as follows: the standard of “Significantly Impedes Effective Competition(SIEC)” in the European Union, the standard of “Substantial Lessening of Competition(SLC)” in the United States, and the comparison between them.

Chapter Four——References to Antitrust Regulation of Cross-border M&A in China, which are concluded from the substantial standards of the antitrust regulation of Cross-border M&A in the United States and the European Union, the contents are

as follows: the present situations of Cross-border M&A in China, the existing antitrust regulation and substantial standards of the antitrust regulation in China, and the references to antitrust regulation of Cross-border M&A in China.

Key Words: Cross-border M&A; Antitrust Regulation; Substantial Standard

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缩 略 语 表

Abbreviations

文	文	文
WTO	World Trade Organization	
UNCTAD	United Nations Conference on Trade and Development	国 会
M&A	Merger and Acquisition	并 购
HHI	Herfindahl-Hirschmann Index	指
MD	Market Dominance	位
SIEC	Significantly Impedes Effective Competition	
SLC	Substantial Lessening of Competition	实
CR4	Four-firm Concentration Ratio	4

案 例 表

Table of Cases

Europemballage and Continental Can v.Commission	Case 6/72[1973]ECR 215:CMLR 199.
Airtours/First Choice	Case No IV/M.1524
Carrefour/Promodes	Case COMP/M/1684
Volvo/Scania	Case No COMP/M.1672
Boeing/McDonnell Douglas	Case IV/M.877, (1997) O.J. C336/16
General Electric/Honeywell	Case No. COMP/M. 2220

目 录

引 言.....	1
第一章 跨国并购及其反垄断规制之一般原理.....	2
第一节 跨国并购的概念及类型.....	2
跨国并购	2
跨国并购 类	4
第二节 跨国并购与垄断的关系.....	5
跨国并购 垄断	5
跨国并购 垄断	7
跨国并购 垄断	8
第三节 跨国并购反垄断规制的理论基础.....	9
论 跨国并购反垄断规制.....	9
跨国并购反垄断规制	11
第二章 欧美跨国并购反垄断规制简介	16
第一节 美国跨国并购反垄断规制简介.....	16
美国 跨国并购规制	16
美国 跨国并购 反垄断规制.....	16
第二节 欧盟对跨国并购的反垄断规制简介.....	19
欧 跨国并购规制	19
欧 跨国并购 反垄断规制.....	20
第三节 欧盟和美国跨国并购反垄断规制的发展趋势.....	21
制 分	22
.....	22
第三章 欧美跨国并购反垄断规制实体审查标准的比较分析.....	24
第一节 欧盟并购控制法：严重妨碍有效竞争（SIEC）标准.....	24
欧 体	82
位 标准	

.....	24
4064/89 号并购	位 标准 .....25
139/2004 号并购	标准 .....26
第二节 美国的实体审查标准：实质减少竞争（SLC）标准	.....28
4	.....29
(HHI)指	.....29
1992 年 并购指 规	.....30
第三节 欧盟“SIEC”标准与美国“SLC”标准的比较分析	.....31
SIEC 标准 SLC 标准	.....31
SIEC 标准 SLC 标准	.....34
.....	35
第四章 欧美实体标准对中国跨国并购反垄断规制的借鉴意义	.....38
第一节 跨国并购之中国现状	.....38
国跨国并购	.....38
国跨国并购 分 反垄断规制 要	.....39
国并购 制	.....40
反垄断 并购 制实体 标准	.....41
第三节 欧美跨国并购规制审查实体标准对我国的借鉴意义	.....44
实体 标准 并 实 指	.....44
位 并购 制 分	
标准	.....44
并购 分 并 并购 制标准	.....45
结 论	.....47
参考文献	.....48

CONTENTS

Introduction.....	1
Chapter 1 Fundamental Theories on Cross-border M&A and Antitrust Regulation	2
Subchapter 1 Definition and Classifications of Cross-border M&A.....	2
Section 1 Definition of Cross-border M&A	2
Section 2 Classifications of Cross-border M&A	4
Subchapter 2 Relationship between Cross-border M & A and Monopoly	5
Section 1 Relationship between Horizontal Cross-border M&A and Monopoly	5
Section 2 Relationship between Vertical Cross-border M&A and Monopoly	7
Section 3 Relationship between Conglomerate Cross-border M&A and Monopoly	8
Subchapter 3 Theoretical Basis of Antitrust Regulation of Cross-border M&A... 	9
Section 1 Workable Competition Theory and Antitrust Regulation of Cross-border M&A.....	9
Section 2 Antitrust Regulation Modes of Antitrust Regulation of Cross-border M&A	11
Chapter 2 Introduction of Antitrust Regulation of Cross-border M&A in the United States and the European Union	16
Subchapter 1 Introduction of Antitrust Regulation of Cross-border M&A in the United States	16
Section 1 Background of Antitrust Regulation of Cross-border M&A in the United States.....	16
Section 2 Antitrust Regulation of Cross-border M&A in the United States	16
Subchapter 2 Introduction of Antitrust Regulation of Cross-border M&A in the European Union	19
Section 1 Background of Antitrust Regulation of Cross-border M&A in the European Union.....	19
Section 2 Antitrust Regulation of Cross-border M&A in the European Union ...	20

Subchapter 3	Trend of Antitrust Regulation of Cross-border M&A in the United States and the European Union.....	21
Section 1	Structuralism and Behaviorism.....	22
Section 2	Changes in Goals of Legislation	22
Chapter 3	Comparison between Substantial Standards of Antitrust Regulation of Cross-border M&A in the United States and the European Union	24
Subchapter 1	Standard of “Significantly Impedes Effective Competition(SIEC)” in the European Union.....	24
Section 1	Abuse of a Dominant Position	24
Section 2	Market Dominance Test	25
Section 3	Significantly Impedes Effective Competition.....	26
Subchapter 2	Standard of “Substantial Lessening of Competition(SLC)” in the United States	28
Section 1	Four-firm Concentration Ratio.....	29
Section 2	Herfindahl-Hirschmann Index	29
Section 3	Other Factors.....	30
Subchapter 3	Comparison between “SIEC” and “SLC”	31
Section 1	Similarities between “SIEC” and “SLC”	31
Section 2	Differences between “SIEC” and “SLC”	34
Section 3	Analysis.....	35
Chapter 4	References to Antitrust Regulation of Cross-border M&A in China.....	38
Subchapter 1	Existing Situation of Cross-border M&A in China.....	38
Section 1	Existing Situation and Characteristics of Cross-border M&A in China... 38	
Section 2	Advantages and Disadvantages of Cross-border M&A in China and Necessity of Regulation.....	39
Subchapter 2	Existing Antitrust Regulation and Substantial Standards of the Antitrust Regulation in China	40
Section 1	Existing Regulation of M&A in China	40
Section 2	Substantial Standards of Antitrust Regulation of M&A in Draft of <i>Antitrust Law</i>	41

CONTENTS

Subchapter 3	References to Antitrust Regulation of Cross-border M&A in China.....	44
Section 1	Adopt Consequent-focused Substantial Standard and Promulgate Related Enforcement Guide	44
Section 2	Respectively Adopt Structure-focused and Consequent-focused Standard to Abuse of a Dominant Position and Market-control Behavior of M&A	44
Section 3	Emphasize Economical Analysis of M&A and Adopt Various Substantial Standards of Regulation of M&A.....	45
Conclusion	47
References	48

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Degree papers are in the "[Xiamen University Electronic Theses and Dissertations Database](#)". Full texts are available in the following ways:

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